

Remarks

Claims 1, 4, 15, 16, 18, 73, 74, 76-79, and claims 80-85 are pending. Applicants hereby amend claims 1, 18, 74, and 76; cancel claims 11, 12, 70, and 75; and add new claims 80-85. The amendments are supported throughout Applicants' specification.

At the outset, Applicants thank Examiner O'Dell for his assistance regarding the current rejection and likely amendment of present claims. As noted in more detail below, the present amendments refine the claims to further prosecution.

35 USC §112, First Paragraph

The Examiner rejected claims 1, 4, 11, 12, 15, 16, 18, 70, and 73-78 under 35 USC §112, first paragraph, as non-enabling for the breadth of claim scope. See the Office Action, page 7. The action is FINAL.

Applicants hereby present further claim amendments and ask for the Examiner's consideration. While Applicants disagree with the assertions made by the Examiner with regard to enablement, Applicants hereby amend the claims in order to advance prosecution. With regard to deleted subject matter, Applicants expressly note the availability of a continuation application.

With regard to the present amendments, Applicants amend the present claims as requested by the Examiner, with some modification. First, as will be appreciated by those skilled in the art, some substituents groups associated with the definition of Z are maintained due to specific exemplification in the present specification. While certain groups are not depicted in the *general* synthetic schemes, based upon the *specific* exemplification, those of ordinary skill are sufficiently enabled to make and use such compounds. With reference to, but not meant to limit, Examples 20 and 21 the current specification provides specific exemplification for compounds having a phenyl and a phenoxy substitution, respectively. Neither group appears in the list proposed by the Examiner on page 7, numbered paragraph 5, of the Office Action. There can be no doubt as to enablement, however, as specific synthetic examples are provided in the present specification. Enablement is based upon the specification as a whole, and not just the general scheme. Thus, the specific exemplifications provide enabling support beyond the Examiner's request. As such, the claims are amended based on the Examiner's suggestions, but with some modification.

Second, as previously noted by the Examiner, the values of "m" and "n" are, in deed, adequately supported by the specification. More specifically, the Examiner provided a helpful illustration of the positional isomers, IA and IC as compared to IB and ID. As previously noted, the issue may lie simply in naming conventions. The 2-(pyridine-3-yl)-7-azabicyclo[3.3.1]non-2-ene compound that the Examiner uses to argue the lack of enablement is, in fact, the 6-(pyridine-3-yl)-3-azabicyclo[3.3.1]non-6-ene compound whose synthesis is exemplified specifically in Example 18. The chemistry exemplified in Example 18, thus, fully supports the relevant claim scope. Applicants agree that the wide variety of acceptable nomenclature rules for compounds of this class provide the potential for initial disagreement.

Further, despite the Examiner's attention to the unpredictability in the field of the chemical arts, there is synthetic latitude available based upon the description provided in the present application. As will be appreciated by those skilled in the art, the teaching provided by the present specification allows for the preparation and use of a wide variety of compounds. Applicants disagree with the Examiner regarding the level of experimentation needed to arrive at the original scope of the claims. Nevertheless, Applicants amend the present claims to comply with the Examiner's request so as to further prosecution for this application.

In light of this amendment and clarification, Applicants request withdrawal of this §112, first paragraph rejection.

Applicants cancel Claims 11, 12, 70, and 75. Claims 11, 12, and 75 are made superfluous in light of the amendments. Applicants' cancellation of claim 70 hereby moots the rejection based on claim 70.

Applicants request withdrawal of the §112 rejections and consequent allowance of the present claims.

Applicants believe that this Response addresses each of the points made in the Office Action. As such, the claims are allowable and such action is requested. Should the Examiner have any additional issue, he is encouraged to telephone the undersigned for expeditious handling.

Respectfully submitted,

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